

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re: Dawn Marie Kandris
Stephen Christopher Kandris

Case No: 14-35760
Chapter 13

Brief in Support of Trustee's Objection to Plan and Motion To Modify

COMES NOW, the Chapter 13 Trustee, by counsel, and pursuant to 11 U.S.C. 1325 and 1329 in support of his Objection to plan modification and his Motion to Modify and states as follows:

1. The Debtors are currently Debtors in a Chapter 13 case pending before this Court filed on October 27, 2014;
2. Carl M. Bates has been appointed the Chapter 13 Trustee in this case, and the 341 hearing has been conducted and completed;
3. This case was first confirmed on February 5, 2015.
4. The debtors are above median debtors, and must remain in the case for a period of 60 months.
5. Multiple modified plans have been filed, specifically one was filed on August 25, 2015.
6. That modified plan was replaced, after objection by the Trustee, with a plan filed November 2, 2015.
7. The Modified plan filed on August 25, 2015 had net income in the amount of \$6,380.00, and net expenses, on Schedule J, in the amount of \$4,594.00, leaving \$1,786.00 of projected income to be paid into the plan.
8. The debtors proposed a payment of \$865.00 per month going forward, despite having \$1786.00 available.
9. The November 2, 2015 plan, which was filed just a little over two months after the August 25, 2015 plan was filed, reflected an income of \$6,089.00, a reduction from August by \$291.00, and the expenses increased from

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\$4,594.00 to \$5,305.00 an increase of \$711.00. This is not a reasonable increase in expenses and decrease in income in such a short period of time.

10. The Trustee requested a copy and documentation to prove the decrease in income and the increase in expenses from August 25, 2015. Those have not been provided.

11. The trustee suggests that the medical expense deduction is inconsistent with proof provided, and the deduction of \$200.00 for a Health Savings Plan, and the additional amount of \$420.00 on Schedule J exceed the proof provided.

12. The Trustee suggests that the expense for telephone, cable, internet in the amount of \$430.00 plus \$10.00 for the cloud services is unreasonable.

13. The Trustee suggests the expense for transportation of \$545.00 per month is unreasonable.

14. The income has increased from the original confirmed plan, which was \$3,592.00, by \$2,788.00 net. This is a substantial and unanticipated change as the debtors did not disclose any known changes coming in the year following the confirmed plan as required.

15. There are 44 months remaining in this plan, and as the debtors were above median, they must remain in the plan for the full 44 remaining months.

16. The trustee suggests that for the remaining 44 months of this plan the debtors pay \$1,786.00 per month for a balance of \$78,584.00, and a total 60 month plan funding of \$85,254.00.

WHEREFORE, the Chapter 13 Trustee, by Counsel, hereby moves the objection be sustained, and the plan payments be increased for the remaining 44 months of this case to \$1,786.00 per month, and the total plan funding be increased to \$85,254.00.

Carl M. Bates
By Counsel

By: /s/ Susan H. Call
Susan H. Call, VSB #34367
Counsel for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2016, a copy of the foregoing Brief in Support of Trustee's Objection was electronically transmitted and/or mailed, first class mail, postage prepaid, to Dawn and Stephen Kandris, Debtors, to Richard Oulton, by electronic notification at: 2debtlawgroup@gmail.com, Counsel for the Debtor, to the U.S. Trustee and to all necessary parties in interest.

/s/ Susan H. Call
Susan H. Call, VSB #34367